

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|-----------------------------------|---|--------------------|
| WALTER (LARRY) JENKINS, |) | |
| BRENDA JENKINS and CARRIE JENKINS |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| VERSUS |) | No. 4:08cv1302 CDP |
| |) | |
| DELTA and PINE LAND COMPANY |) | |
| |) | |
| Defendants. |) | |

AGREED ORDER OF DISMISSAL WITHOUT PREJUDICE

The parties having announced to the Court that they have agreed, subject to the Court's approval, to the entry of an Order of Dismissal in this action without prejudice, pursuant to Rule 41, Federal Rules of Civil Procedure, with the condition that this action may only be re-filed by the Plaintiffs in the United States District Court for the Eastern District of Missouri, Eastern Division, and in no other forum, and on the further condition that this Order shall not be construed as a waiver of any defenses the Defendants may have against Plaintiff's claim, including, but without limitation, the defense that Plaintiff's claim is barred because of Plaintiff's failure to comply with Mississippi Seed Arbitration Act, Miss. Code Ann. § 69-3-1 *et seq.*, and the Court having considered the matter finds that the Requests for Dismissal, under the terms and conditions set forth herein, is well-taken.

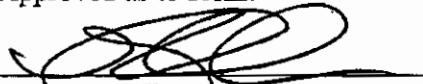
IT IS, THEREFORE, ORDERED that this matter be, and the same is hereby dismissed without prejudice, and pursuant to Rule 41(a)(2), the Court finds that the terms of the dismissal agreed to by the parties should be considered proper. Accordingly, this case is dismissed without prejudice, with the limitation however that Plaintiff may not re-file this action in any forum other

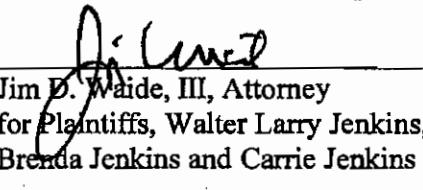
than the United States District Court for the Eastern District of Missouri, Eastern Division, nor may Plaintiff assert the cause of actions alleged herein against any other party in any forum other than the United States District Court for the Eastern District of Missouri, Eastern Division, and the entry of this Order shall not be deemed as a waiver of any defense Defendants have against Plaintiffs underlying claim, including, but without limitation, the right to seek dismissal of this action for Plaintiff's failure to comply with the Mississippi Seed Arbitration Act (Miss. Code Ann. § 69-3-1 *et seq.*

SO ORDERED this the 25th day of September, 2008.


Cathleen D. Peay
UNITED STATES DISTRICT JUDGE

Approved as to form:


Stephen L. Thomas, Attorney
for Delta and Pine Land Company


Jim D. Waide, III, Attorney
for Plaintiffs, Walter Larry Jenkins,
Brenda Jenkins and Carrie Jenkins